THE HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.1799 OF 2006

DATED: 15.11.2006

Between:

L. Kasna Naik

….Petitioner

AND

The Deputy Registrar of Coop. Societies,
Divisional Coop. Officer,
Kottagudem, Khammam District
and others

…Respondents

THE HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.1799 OF 2006

ORDER:

This writ petition is filed seeking a mandamus declaring the impugned proceedings Rc.No.760/04-C dated 31.10.2005 passed by the first respondent without considering the explanation, and of further action of the respondents in not considering the objections submitted by the petitioner to the enquiry report dated 21.09.2004 issued by the third respondent as highly arbitrary and illegal.

It appears that the petitioner was elected as President of Village Tribal Development Labour Contract Coop. Society, Bikkuthanda in the year 2003. While that being so, by order dated 21.12.2004, he was declared to be disqualified for being President of the Society, under Section 32 (3) of the Cooperative Societies Act, 1964. Aggrieved by the same, earlier he filed Writ Petition No. 4644 of 2005 and the same was disposed of on 09.09.2005 setting aside the impugned order dated 21.12.2004 and further directing the first respondent therein to furnish a copy of enquiry report, dated 21.09.2004 to the petitioner free of cost within a period of two weeks from the date of receipt of the order. It was also made clear that it was open for the petitioner to submit his further explanation, if any, within a period of two weeks thereafter, in which event, the first respondent therein shall consider the matter afresh and pass appropriate orders in accordance with law.

It appears that the petitioner was supplied with the enquiry report, as directed by this Court in the above writ petition. Thereafter, the petitioner was asked to submit his explanation and appear before

the Deputy Registrar of Co-operative Societies, Kothagudem, on 17.10.2005. Though the petitioner appeared on 17.10.2005, he sought further time for submitting his explanation. Therefore, time was granted up to 30.10.2005. On 30.10.2005 also, he has not submitted his written statement and sought further time, but the same was not granted. It seems, he went along with the explanation on 31.10.2005 to the respondent, by which time, the impugned order was already passed. Therefore, the explanation of the petitioner was not taken into consideration.

In view of the above, without expressing any opinion on merits, the first respondent is directed to reconsider the matter, by taking into consideration the explanation purported to have been submitted by the petitioner on 31.10.2005, within a period of four weeks from to day. Till such time, status quo obtaining as on today shall be maintained and the impugned order will be subject to the out come of the reconsideration of the case.

The writ petition is disposed of accordingly. No costs.

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15th November, 2006

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